

Shakthivelu vs State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-03-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/11575/2024

Appellant : Shakthivelu

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 11575 OF 2024 (439(Cr.PC) / 483(BNSS)) BETWEEN: SHAKTHIVELU, S/O MANJUNATH, AGED ABOUT 20 YEARS, R/AT MATTUR DAS STREET, POCHIMALLI TALUK, KRISHNAGIRI, TAMILNADU. PETITIONER (BY SRI. MANJUNATHA RAO LOKANDE N, ADVOCATE) AND:

1. STATE OF KARNATAKA BY

SUBRAMANAYAPURA POLICE STATION (REPRESENTED BY STATE PUBLIC PROSECUTOR) Digitally HIGH COURT BUILDING - 01) signed by LAKSHMI T Location: 2. DHANALAKSHMI High Court of Karnataka W/O ANANDA R/AT NEAR MARAMMA TEMPLE, YADALAM NAGAR, SUBRAMANYAPURA, RESPONDENTS (BY MS. ASMA KOUSER, ADDL. SPP FOR R1; SRI. M.B. RAVI KUMAR, ADVOCATE FOR R2) THIS CRL.P IS FILED U/S 439 OF CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE HIM ON BAIL IN SPL.C.NO.1486/2024 WHICH IS ARISING OUT OF CR.NO.73/2024 OF SUBRAMANYAPURA P.S., BANGALORE WHICH IS PENDING ON -2- THE FILE OF HONBLE ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, FTSC-III AT BANGALORE, FOR OFFENCE U/S 363, 366(A), 376(2)(N), 376(3) OF IPC, SEC. 4(2), 5(J), 5(L), 6, 11(4), 12 OF POCSO ACT, 2012. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Learned counsel for petitioner is not present.

2. Even on previous occasions, there was no representation for the petitioner.

3. Charge sheet is filed against the petitioner for

offence punishable under Section 363, 366(A), 376(2)(n), 376(3) of IPC, Section 4(2), 5(j), 5(l), 6, 11(iv), 12 the POCSO ACT, 2012, by Subramanyapura Police in their Police Station Crime No.73/2024.

4. It is alleged by the prosecution that, the

petitioner by inducing the victim girl, aged about 13 years, took her to Tamilnadu on 19.02.2024 and detained her in house No.15/A, Mathuru down Street, Mathuru, -3- Krishnagiri District, Tamilnadu till 14.06.2024 and committed aggravated penetrative sexual assault on her, as a result, she became pregnant.

5. Learned Additional SPP has contended that as per DNA examination conducted on the foetus, accused is the biological father.

6. Considering the facts and circumstances of the

case, at this stage this is not a fit case to enlarge the petitioner on bail. There is every chance of intimidating and influencing the victim, if the petitioner is enlarged on bail.

7. Petitioner is at liberty to move the Sessions Court after the evidence of the victim girl is recorded.

8. With the above observation, petition is dismissed. Sd/- (MOHAMMAD NAWAZ)
JUDGE LDC:List No.: 1 SI No.: 19

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